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Practitioner's Pocket No. 19898/13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gordon, Scott

5 Appl No.: 08/885,698 Group No.: 2665
Filed: June 30, 1997 Examiner: Steven Nguyen
For: AUDIBLE COMMUNICATION WITH A MODEM OVER A WIDE AREA NETWORK

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief – Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

September 10, 2004
Date

By: Marilyn R. Bogus
Marilyn R. Bogus

MAIL STOP APPEAL BRIEF – PATENT

Commissioner for Patents

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ATTENTION: Board of Patent Appeals and Interferences

APPELLANTS' BRIEF (37 C.F.R. 1.192)
[filed in triplicate]

- This brief is in furtherance of the Notice of Appeal, filed in this case on May 26, 2004.
- The fees required under § 1.17(c), and any required petition for extension of time for filing this
brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL
BRIEF.
- This brief is transmitted in triplicate. (37 C.F.R. 1.192(a))
- This brief contains the following items under the following headings, and in the order set forth
below (37 C.F.R. 1.192(c)):

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02 FC:1253 950.00 DA

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IX. APPENDIX: CLAIMS INVOLVED IN THE APPEAL

I. REAL PARTIES IN INTEREST (37 C.F.R. 1.192(c)(1))

The real party in interest in this appeal is EMC Corporation, as the assignee of record on the original filing date of the application.

5 **II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. 1.192(c)(2))**

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS (37 C.F.R. 1.192(c)(3))

10 **A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1, 4-10, and 13-23

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 2, 3, 11, 12;
2. Claims withdrawn from consideration but not canceled: NONE;
15 3. Claims pending: 1, 4-10, and 13-23;
4. Claims allowed: NONE;
5. Claims rejected: 1, 4-10, and 13-23.

C. CLAIMS ON APPEAL

The claims on appeal are: 1, 4-10, and 13-23.

20

IV. STATUS OF AMENDMENTS (37 C.F.R. 1.192(c)(4))

No amendments have been submitted after the Final Rejection mailed March 10, 2004. The claims stand as last presented in Paper No. 28 and as reproduced in the Appendix below.

V. SUMMARY OF INVENTION (37 C.F.R. 1.192(c)(5))

In a typical modem rack arrangement, a plurality of modems are arranged to convert between telephone signals and data signals, and the data signals are managed by an access server on a Local Area Network (LAN). When a telephone connection failure is suspected, a maintenance technician must either travel to the modem or telephone circuit location with appropriate diagnostic monitoring tools, or rely upon modem vendors to provide some digitized diagnostic information through a proprietary modem monitoring system. These limitations increase the cost of equipment or maintenance or both, because of increased training, tooling, and/or travel.

The present invention involves a method and apparatus that provides an audio bypass channel between a telephone interface of a remote modem and a local monitoring station. Telephone signals between remote modems are converted to audio signals, digitized, sent over a Wide Area Network (WAN), converted back into audio and played at a local monitoring station through an acoustic loudspeaker for an operator to hear.

The audio bypass channel is provided by tapping into the telephone line used for exchanging data between modems in the remote system. A converter connected to the telephone interface of one of the remote modems splits an audio signal from the telephone signal that transports data between the modems in the remote system. The audio signal is then separately processed in an interface machine (i.e., by a soundcard in the interface machine) into digital form for transmission over a WAN to a local machine. The normal data transmission between the remote modems is unaffected by the splitting of an audio signal therefrom. The local machine then transforms the audio signal from digital form back to audio form (i.e. via a soundcard in the local machine) so that a user of the local machine can listen to the signal.

This parallel channel arrangement permits a user to overcome the limitations of the typical modem in which the telephone signal contains modulated data signals between the corresponding modems, but only data signals between the remote modem and the local server on the WAN. The

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invention supplements diagnostic service of remote telephone circuits (and remote modem racks) where the modems have no inherent bypass channel in which the analog signal can be communicated with a monitoring center on the digital side of the modem.

By using the present invention, implemented with a telephone signal converter, existing
5 WAN connections, and commercial-off-the-shelf PC components, a technician at a central monitoring site (i.e. local machine) can "listen in" on the telephone side of a faulty remote modem, or even generate audio test signals to the remote telephone circuit. Furthermore, because the telephone signals are converted and carried over a WAN that may bridge long distances at fixed cost, the central technician can use the invention to initiate or answer remote telephone calls at the
10 remote modem pool rather than incur the additional circuit charges for the distance between the modem pool and the central station.

VI. ISSUES (37 C.F.R. 1.192(c)(6))

The first issue under appeal is whether the Examiner's four-reference rejection of claims 1 and
15 4-7 under 35 U.S.C. § 103(a) as being unpatentable over Focsaneanu (USP 5991292) in view of Land (USP 5751706), Solomon (USP 5974043) and Anderson (USP 6064673) is proper.

The second issue under appeal is whether the Examiner's rejection of claims 8-9, 13-16, 19-20 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Schaffer (USP 5974043) in view of Anderson (USP 6064673) is proper.

The third issue under appeal is whether the Examiner's rejection of claim 10 under 35 U.S.C. §
20 103(a) over Schaefer (USP 5761294) and Anderson (USP 6064673) in view of Focsaneanu (USP 5991292) is proper.

The fourth issue under appeal is whether the Examiner's rejection of claims 17-18 and 21-22 under 35 U.S.C. § 103(a) over Schaffer (USP 5761294) and Anderson (USP 6064673) in view of
25 Solomon (USP 5974043) is proper.

Appellant appeals the rejections as improper and requests that the claims be allowed and the case passed to issue.

VII. GROUPING OF CLAIMS (37 C.F.R. 1.192(c)(7))

Claim 1 and its dependent claims 4 through 7 are separately patentable.

Claim 8 and its dependent claims 9-10 and 13-18 are separately patentable.

Claim 19 and its dependent claims 20 through 23 are separately patentable.

5

VIII A. ARGUMENTS: REJECTION OF CLAIMS 1 AND 4 - 7 UNDER 35 U.S.C. 103(a) (37 C.F.R. 1.192(c)(8)(iv))

10 In the Official Action, Paper 29, dated March 10, 2004, made Final, the Examiner rejected claims 1 and 4 - 7 under 35 U.S.C. § 103(a) as being unpatentable over Focsaneanu (USP 5991292) in view of Land (USP 5751706), Solomon (USP 5974043) and Anderson (USP 6064673).

15 The Examiner admits that Focsaneanu, among other things, does not disclose “a converter electrically interconnected to a telephone interconnection of said remote modem and receiving said telephone transmission signals therefrom and splitting a portion of the telephone transmission signal therefrom and providing an audio output signal” as claimed in claims 1 and 4 – 7. However, the Examiner asserted that Land discloses “a converter for receiving said telephone transmission signals and splitting a portion of the telephone transmission signals and providing an audio output signal, (and) an interface machine receiving the audio output signal from the converter.” In particular, the Examiner cites Land, Figs. 1 – 5 as disclosing the “converter” and Col. 2, lines 20 – 52 as disclosing “a converter for splitting the received analog voice signal into an output voice digital signal and generating them into a packet for transmitting via (a) packet network.”

25 Even assuming the Examiner’s assessment and characterization of Focsaneanu is correct; the Examiner’s characterization of Land is erroneous. Land is directed to establishing a telecommunication path which originates and terminates on a telephone network and uses a packet based network as a bridge therebetween. Land does not teach or suggest anything about

the inventive audio bypass signal path as defined particularly with respect to using a converter interconnected to a telephone interconnection of a remote modem to split off telephone transmission signals and create a separate audio signal path to provide an audio output signal as claimed.

5 Figs. 1 – 3 of Land are schematic block diagrams of a telecommunications path and do not teach or suggest any components such as a converter that splits a portion of a telephone signal to provide an audio output signal to be further processed for transmission over a WAN. Figs. 4 -5 of Land are flow charts describing a particular method for establishing a telephone communication path and have nothing to do with the converter as disclosed and claimed in the
10 present application.

Col. 2, lines 20 to 52 of Land describes voice interfaces for packet based systems that convert between analog or digital voice and the digital packets. The availability and common knowledge of such voice interfaces as disclosed in Land is not disputed. However, neither the Land reference nor any other reference teaches or suggests “a converter for receiving said
15 telephone transmission signals and splitting a portion of the telephone transmission signals and providing an audio output signal, (and) an interface machine receiving the audio output signal from the converter” as particularly claimed.

The Examiner acknowledges that the primary reference of Focsaneanu and the Land reference also do not disclose Appellant’s claimed “interface machine.” The Examiner thus
20 brought in a third reference and erroneously asserted that Solomon discloses “said interface machine including a first sound processing mechanism processing said audio output signal for transmission over said WAN as a network audio signal; a second sound processing mechanism configured at said local system receiving said network audio signal and processing said network audio signal to provide a continuous audio signal at said local system.” In combining the three
25 references, in hindsight with the benefit of Appellant’s specification, the Examiner provides an omnibus citation to Solomon Figs. 1-14, col. 1, line 10 to col. 22, line 25, and particularly cites Fig. 10, Ref 368 which the Examiner asserted “includes the sound card for receiving the analog

voice signal from the controller 358, wherein the soundcard will (convert) the analog voice into a digital signal for transmitting via WAN to a local system by generating a voice packet.”

Solomon, like Land, is directed to a method for exchanging information between segments of a public switched telephone network (PSTN) using a WAN for a portion of the
5 channel. It is not disputed that various methods are commonly known and interfaces are available for communicating between a PSTN telephone network and a WAN. However, contrary to the Examiner’s characterization, Fig. 10 of Solomon only discloses a WAN telephone system 352 which includes a corded WAN telephone 354 and a base station 372 suitably connected to the WAN telephone 354. This has nothing to do with the inventive bypass audio
10 signal as described and the particular elements thereof as claimed in the present application. In particular, Solomon does not teach or suggest an interface machine receiving an audio signal from a converter as claimed.

The Examiner admitted that Focsaneanu combined with Land and Solomon “does not fully disclose the sound processing mechanisms at the remote and local site.” Thus, the
15 Examiner brought in a fourth reference, without any stated or particular motivation to combine the first and second references, let alone a third and fourth reference. In making the four reference obviousness combination the Examiner asserted that the fourth reference, Anderson, discloses an interface machine for processing a received telephone signal into a network audio signal for transmitting via WAN to a local system having a second sound mechanism for
20 processing received network audio signal into a continuous audio signal and an automated attendant system for gathering information.

It is not disputed that interfaces are known for processing a received telephone signal into a network audio signal for transmitting via WAN to a local system. However, the Examiner is wrong to assert that such known interfaces as described in Anderson teach or suggest anything
25 about the particular interface of the present invention as claimed and its claimed connection to a converter as part of an audio bypass channel.

Accordingly, Focsaneanu fails to teach or suggest the signal splitting, fails to teach or

suggest any device or method for generation of an audio output signal, and fails to teach or suggest the claimed audio signal converter and its function. The combination with Land, Solomon and Anderson does nothing to remedy these fatal omissions. Nothing in any of the Office Actions or Advisory Actions has provided the necessary showing in the prior art of each
5 element recited in any of Appellant's claims. For any of these reasons alone or combined, Appellant respectfully submits that the combination of the Focsaneanu reference with the Land, Solomon and Anderson references fails to provide any basis for the rejection of Appellant's claims.

It is axiomatic in patent law that in order to support an assertion of obviousness, each
10 element of a claimed invention must be present in some combination of prior art, and that the prior art cited must itself contain some suggestion or motivation for making modification and/or combination. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1483 (Fed. Cir. 1991). The rejections of the claims asserted by the Examiner fail in each of these critical respects. Thus, the Examiner's rejections should be overturned.

Furthermore, the Examiner incorrectly asserted that "[s]ince the functions such as
15 splitting the digital signal, gateway with soundcard for splitting the digital signal to form a packet by using a sound processing mechanism and a converter for converting digital and analog are well known in the art... it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of converting and splitting the audio signal for
20 generating a voice packet as disclosed by Land; an interface machine which includes a soundcard as disclosed by Solomon; [and] a sound processing mechanism as disclosed by Anderson's system into Focsaneanu's system."

First, the present invention does not split a digital signal; rather it splits the telephone signal to a remote modem. Accordingly, the Examiner's contention that "splitting the digital
25 signal" is well known does not support an obviousness rejection of the present invention.

Second, the Examiner's contention that a "gateway with soundcard for splitting the digital signal to form a packet by using a sound processing mechanism" is well known in the art

is erroneous and ambiguous. The Examiner does not indicate how such a gateway would support an obviousness rejection of the present claims. Again, the present invention as recited in the claims does not split a digital signal; it splits a telephone signal from the telephone side connection to remote modems. Further, the Examiner has no support for the contention that any
5 such “gateway with soundcard for splitting” is widely known in the art. While soundcards are widely known for converting between audio and digital signals they are not widely known to have a splitting function, and particularly they do not typically operate on telephone signals. The Examiner has not supported any assertion that a “gateway” is widely known with a splitting function for splitting a telephone signal as claimed.

10 Finally, the Examiner also erroneously asserted that the motivation to combine the teachings of Land, Solomon and Anderson with Focsaneau to arrive at the claimed invention would have been to reduce the long distance cost. Notwithstanding, the fact that none of the cited references suggest or even hint as such a motivation to combine, the present invention provides an audio bypass channel to a system which, without such a bypass channel, does not
15 incur any long distance cost. Accordingly, it is incorrect to assert that one skilled in the art would be motivated to make the present invention for the purpose of reducing long distance costs.

Because none of the cited references, alone or in combination, disclose or suggest Appellant's invention as recited in any of the claims, and because there is nothing to suggest any
20 motivation to combine these references in the manner suggested by the Examiner, Appellant respectfully submits that claims 1 and 4 - 7 are allowable over the cited references. The Examiner's rejections should be overturned.

VIII B. ARGUMENTS: REJECTION OF CLAIMS 8-9, 13-16, 19-20 AND 23 UNDER 35 U.S.C. 103(a) (37 C.F.R. 1.192(c)(8)(iv))

The Examiner rejected claim 8-9, 13-16, 19-20 and 23 under 35 U.S.C. 103(a) as being
5 unpatentable over Schaffer (USP 5761294) in view of Anderson (USP 6064673).

The Examiner incorrectly asserted that Schaffer discloses the steps of configuring a remote communication mechanism in said remote system to receive a transmission signal and converting said transmission signal into an analog audio output signal, wherein said converting step involves a converter electrically connected to an interconnection of said remote
10 communication mechanism to receive said transmission signals therefrom and to convert said transmission signals into said analog audio output. The Examiner provided an omnibus citation to Figs. 1-4 and col. 2, line 15 – col. 5 line 16 of Schaffer to support the 103(a) rejection. Contrary to the Examiner’s characterization, Schaffer discloses a method and system for connecting digital telephones including “a converter which locally supports the protocol of the
15 digital telephones but converts digitized signals of voice information, party specific call messages and call handling messages into outgoing analog signals.” (Abstract, lines 3-7.)

The Examiner’s characterization of Schaffer is incorrect because, among other reasons, the converter(s) described in Schaffer does not split a transmission signal to provide an analog audio output signal as claimed. Rather, Schaffer describes a converter 24 (and its mirror image
20 converter 40) that includes a digital interface 30 and a pair of analog interfaces 32 and 34. The analog interfaces provide analog output 14, 18 to a public switched telephone network (PSTN) (Col. 4, lines 8-12). The converter of Schaffer does not “involve a converter electrically connected to an interconnection of said remote communication mechanism to receive said transmission signals therefrom and to convert said transmission signals into said analog audio
25 output” as claimed in claim 8 and is not “electrically connected to a telephone interface of said remote modem and electrically converting between a telephone signal and an electrical audio signal” as claimed in claim 19.

The Examiner admits that Schaffer does not disclose processing said analog audio output signal into packets for transmission over said WAN as a stream of audio packets or receiving and processing said stream of audio packets to provide a continuous audio signal at said local system, and therefore the Examiner applied the Anderson reference. However, Anderson does not make
5 up for the deficiencies of Schaffer in that it does not teach or suggest receiving a transmission signal, with a converter, such as disclosed and claimed, and connecting the transmission signal to an audio output signal as particularly disclosed and claimed.

Notwithstanding the foregoing, the Examiner erroneously asserted that it would be obvious to combine methods disclosed in Anderson for processing signals into packets for
10 transmission and receiving over a WAN with the converter described in Schaffer to arrive at the method of claim 8 and the apparatus of claim 19. The Examiner states again that the motivation would be to reduce long distance costs. However, the referenced combination would not have been motivated for the reasons given by the Examiner, since there is no need to combine references which individually resolve the problem mentioned. Anderson taken alone would
15 reduce long distance costs of telephone communications. There would be no need to look to Schaffer to seek a converter method to feed signals to the processors of Anderson if one were motivated simply to reduce long distance costs. Also, the present invention provides a converting and processing method which can be used in a system as described in the present specification which does not incur any long distance cost, so such a motivation is not indicated.
20 Accordingly, it is incorrect to assert that one skilled in the art would be motivated to make the present claimed invention to reduce long distance cost. The Examiner has clearly used improper hindsight in making the combination of Anderson and Schaffer.

Because none of the cited references, alone or in combination, disclose or suggest Appellant's invention as recited in any of the claims, and because there is nothing to suggest any
25 motivation to combine these references in the manner suggested by the Examiner, Appellant respectfully submits that all claims 8-9, 13-16, 19-20 and 23 are allowable over the cited references. Again, the Examiner's rejections should be overturned.

VIII C. ARGUMENTS: REJECTION OF CLAIM 10 UNDER 35 U.S.C. § 103(a) (37 C.F.R. 1.192(c)(8)(iv))

5 The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Schaffer (USP 5761294) and Anderson (USP 6064673) in view of Focsaneanu (USP 5991292). The Examiner admitted that Schaffer and Anderson do not disclose a remote computer system for transmitting a transmission signal to a converter of a remote communication mechanism by a modem located at a resident location. However, the Examiner asserted that it would have been
10 obvious to “apply a modem for using to transmit a signal to access module as disclosed by Focsaneanu’s system into the system of Schaffer and Anderson.” Again, the Examiner asserted that the motivation to combine would have been to reduce long distance cost. Again, the Examiner has ignored material claim limitations and the recited relationships between claim elements, as discussed hereinbefore, in maintaining this rejection.

15 Each of the reasons stated hereinbefore with respect to the rejections of claims 8-9, 13-16, 19-20 and 23 under 35 U.S.C. § 103(a) apply as well to the rejection of claim 10. No teaching of Focsaneanu cures the deficiencies of Schaffer and Anderson or provides motivation for their combination in a way that would render claim 10 obvious. Accordingly, Appellant submits that claim 10 is allowable over the cited references, and the Examiner’s rejection should be
20 overturned.

VIII D. ARGUMENTS: REJECTION OF CLAIMS 17-18 AND 21-22 UNDER 35 U.S.C. §103(a) (37 C.F.R. 1.192(c)(8)(iv))

25 The Examiner rejected claims 17-18 and 21-22 under 35 U.S.C. 103(a) as being unpatentable over Schaffer (USP 5761294) and Anderson (USP 6064673) in view of Solomon (USP 5974043). The Examiner admitted that Schaffer and Anderson do not disclose a soundcard used to perform a sound processing mechanism. However, the Examiner asserted that it would have been obvious to apply a sound card as a sound processing mechanism, as disclosed by

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Solomon, into the system of Schaffer and Anderson. Again, the Examiner asserted that the motivation to combine would have been to reduce long distance cost.

Each of the reasons stated hereinbefore with respect to the rejections of claims 8-9, 13-16, 19-20 and 23 under 35 U.S.C. § 103(a) apply as well to the rejection of claims 17-18 and 21-22.

5 No teaching of Solomon cures the deficiencies of Schaffer and Anderson or provides motivation for their combination in a way that would render claims 17-18 and 21-22 obvious. Accordingly, Appellant submits that claims 17-18 and 21-22 are allowable over the cited references, and the Examiner's rejections should be overturned.

10 In view of these arguments, Appellant respectfully requests the rejections of all of the claims pending in the present application be overturned.

Respectfully Submitted,

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IX. APPENDIX: CLAIMS INVOLVED IN THE APPEAL (37 C.F.R. 1.192(c)(9))

The text of the claims involved in the appeal are:

1. An apparatus for effecting audible communication between a local system and a
5 remote system over a Wide Area Network (WAN), comprising:
a remote modem configured in said remote system and receiving telephone transmission
signals;
a converter electrically interconnected to a telephone interconnection of said remote
modem and splitting a portion of said telephone transmission signals therefrom and providing an
10 audio output signal;
an interface machine receiving said audio output signal from said converter, said interface
machine including a first sound processing mechanism processing said audio output signal for
transmission over said WAN as a network audio signal;
a second sound processing mechanism configured at said local system, receiving said
15 network audio signal and processing said network audio signal to provide a continuous audio
signal at said local system.
2. (Cancelled)
- 20 3. (Cancelled)
4. The apparatus of claim 1 wherein said second sound processing mechanism is a sound card
running on said local system and configured to run an audio streaming program.
- 25 5. The apparatus of claim 1 wherein said interface machine is a personal computer.

6. The apparatus of claim 5 wherein said first sound processing mechanism is a sound card configured to run an audio streaming program and configured to transmit said network audio
5 signal in the form of packets addressed only to said second sound processing mechanism.

7. The apparatus of claim 1 wherein said remote modem is configured to communicate with automated systems that incorporate intelligence to gather status information.

10 8. A method for effecting audible communication between a local system and a remote system over a Wide Area Network (WAN), comprising the steps of:

configuring a remote communication mechanism in said remote system to receive a transmission signal;

15 converting said transmission signal into an analog audio output signal, wherein said converting involves a converter electrically connected to an interconnection of said remote communication mechanism to receive said transmission signals therefrom and to convert said transmission signals into said analog audio output;

processing said analog audio output signal into packets for transmission over said WAN as a stream of audio packets;

20 receiving and processing said stream of audio packets to provide a continuous audio signal at said local system.

9. The method of claim 8 in which said remote communication mechanism is configured to communicate with automated systems that incorporate intelligence to gather status information
25 and such status information is transmitted to said remote communication mechanism as a transmission signal.

10. The method of claim 8 wherein the transmission signal received by said remote communication mechanism is generated by a remote modem resident with a remote computer system.

5 11. (Cancelled)

12. (Cancelled)

10 13. The method of claim 8 wherein said processing step involves an interface machine configured to receive said analog audio output signal from said converter.

14. The method of claim 13 wherein said interface machine is a personal computer.

15 15. The method of claim 8 wherein said processing step involves a first sound processing mechanism used to process said analog audio output signal.

16. The method of claim 8 wherein said receiving step involves a second sound processing mechanism used to process said stream of packets.

20 17. The method of claim 15 wherein said first sound processing mechanism is a sound card configured to run an audio streaming program.

18. The method of claim 16 wherein said second sound processing mechanism is a sound card configured to run an audio streaming program.

19. An apparatus for communicating audio signals between a telephone interface of a remote modem and a listening station via a packet network comprising:

a signal converter electrically connected to a telephone interface of said remote modem and electrically converting between a telephone signal and an electrical audio signal;

5 an interface machine, electrically connected with said converter, for processing said electrical audio signal to generate a transmitted stream of audio data packets and transmitting said stream into a packet network, and for receiving an output stream of audio data from said packet network, and for processing said output stream into an electrical audio signal to said signal converter;

10 a listening station for receiving said transmitted stream of audio data packets via said packet network and processing said transmitted stream to generate a continuous output audio signal, and for receiving an audio input signal and processing said signal to generate said output stream of audio data packets, and for transmitting said output stream into a packet network;

15 whereby an operator at said listening station can listen to the telephone signals of said remote modem and can generate audio signals to be converted into remote telephone signals, without having an electrical audio path from the remote modem to the operator location.

20 20. The apparatus of claim 19 in which said signal converter is a telephone line interface for providing impedance matching and voltage conversion between said telephone signal and an audio input and audio output of said interface machine.

25 21. The apparatus of claim 19 in which said interface machine further comprises a personal computer having a soundcard and running an audio streaming program and in which said listening station is a computer running a streaming audio program and having a soundcard electrically connected to a loudspeaker.

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22. The apparatus of claim 21 in which said soundcard in said listening station further includes a microphone interface.

23. The apparatus of claim 19 in which said packet network further comprises an Ethernet
5 connection, and said transmitted stream is addressed only to the listening station and said output stream is addressed only to the interface machine.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Scott B. Gordon

Serial No.: 08/885,698

Group No.: 2665

Filed: June 30, 1997

Examiner: S. Nguyen

For: **AUDIBLE COMMUNICATION WITH A MODEM OVER A WIDE AREA NETWORK**

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SEP 15 2004

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief – Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

September 10, 2004
Date

By: Marilyn R. Bogus
Marilyn R. Bogus

MAIL STOP APPEAL BRIEF – PATENT

Commissioner for Patents

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TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION 37 C.F.R. 1.192)

1. Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on May 26, 2004.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. 1.17(c), the fee for filing the Appeal Brief is:

Other than a small entity

Appeal Brief fee due \$ 330.00

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that a three-month extension of term is required.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$ 330.00

Extension fee (if any) \$ 950.00

TOTAL FEE DUE \$ 1,280.00

6. FEE PAYMENT

Please charge Deposit Account No. 50-0369 in the amount of \$1,280.00 to cover Appeal brief fee and Extension fee.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 50-0369.

Date: September 10, 2004


SIGNATURE OF PRACTITIONER

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